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19 Attorneys for Defendant,  
20 Fifth Generation, Inc.

21 UNITED STATES DISTRICT COURT  
22 SOUTHERN DISTRICT OF CALIFORNIA

23 GARY HOFMANN,

24 Plaintiff,

25 v.

26 FIFTH GENERATION, INC., a Texas  
27 corporation; and DOES 1 through 100,  
28 inclusive,

Defendants.

CASE NO.: 14-CV-2569 JM (JLB)

**DEFENDANT FIFTH GENERATION,  
INC.'S NOTICE OF MOTION FOR  
MOTION TO DISMISS CLASS  
ACTION COMPLAINT, OR, IN THE  
ALTERNATIVE, FOR A MORE  
DEFINITE STATEMENT**

Date: February 9, 2015

Time: 10:00 a.m.

Courtroom: 5D

Action filed: Sept. 30, 2014

Removed: October 28, 2014

Trial date: None Set

1 TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that on February 9, 2015 at 10:00 a.m. or as soon  
3 thereafter as the matter may be heard in the courtroom of the Honorable Jeffrey T. Miller  
4 of the above-entitled Court, located at 221 West Broadway, San Diego, California,  
5 Defendant Fifth Generation, Inc. ("Fifth Generation") will and hereby does move the  
6 Court for an order to Dismiss Plaintiff's Class Action Complaint or, in the Alternative,  
7 for a More Definite Statement. Fifth Generation makes this Motion on the ground that  
8 Plaintiff's claims and the factual bases for them are not pled with sufficient particularity  
9 to permit Fifth Generation to prepare a meaningful response. In addition, certain of  
10 Plaintiff's claims are barred by California's safe harbor doctrine.

11 This Motion will be based on this Notice of Motion and Motion, the accompanying  
12 Memorandum of Points and Authorities, and the Request for Judicial Notice and  
13 accompanying exhibits, and the pleadings and other materials filed herein, and on such  
14 other and further oral and documentary evidence as may be presented at the hearing on  
15 this Motion.

16  
17 DATED: December 18, 2014

Respectfully submitted,

18 GREENBERG TRAURIG, LLP

19  
20 /s/ Ricky L. Shackelford  
21 Attorneys for Defendant  
Fifth Generation, Inc.

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